

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DJAYGEE, INC.,

Plaintiff,

Civil Action No.: 04-11135 NG

V.

NATIONAL HOCKEY LEAGUE,
NHL ENTERPRISES, INC., and
NHL ENTERPRISES, L.P.,

Defendants.

JOINT STATEMENT

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1 of the United States District Court for the District of Massachusetts, DJAYGEE, INC. (“Plaintiff”) and NATIONAL HOCKEY LEAGUE, NHL ENTERPRISES, INC., and NHL ENTERPRISES, L.P. (“Defendants”), have conferred and submit the following Joint Statement for the status conference to be held on December 1, 2004.

I. Matters To Be Discussed At Conference.

The parties will appear prepared to discuss the following issues: a proposed pretrial schedule for the case that includes a plan for discovery and deadlines and the need for a protective order to govern the exchange of confidential information between the parties.

II. Discovery Plan and Schedule.

A. Discovery Limitations.

The parties agree to the discovery limits set forth in the Federal and Local Rules, except that Plaintiff proposes that each side be limited to 20 depositions and Defendants propose that the deposition limitations of Fed. R. Civ. P. 30 remain in effect.

B. Discovery Schedule.

The parties have agreed on the following schedule for discovery and pretrial litigation:

1. Any proposed amendments to the pleadings shall be served and filed on or before January 17, 2005.
2. Initial requests for written fact discovery shall be served on or before January 17, 2005, and compliance with such requests shall take place within the time prescribed under the Federal and Local Rules and in no event later than February 28, 2005. No requests for written fact discovery shall be served without permission of the Court after April 15, 2005.
3. All fact depositions shall be noticed and completed on or before May 31, 2005.
4. Expert witnesses shall be identified on or before April 1, 2005.
5. Expert reports shall be served on or before May 6, 2005. Expert rebuttal reports, if any, shall be served on or before June 3, 2005.
6. Expert discovery shall be completed on or before June 30, 2005.
7. Any dispositive motions shall be filed on or before August 15, 2005.

8. A settlement conference, to be attended by counsel and, in the discretion of the Court, the principals, shall be held on September 15, 2005 or such other time ordered by the Court.

9. Case management conferences shall take place at such times that may be requested by counsel and ordered by the Court. The final pretrial conference shall take place 30 days following a ruling on any dispositive motions or October 17, 2005, whichever is later.

10. All dates set forth herein may be modified by written agreement of the parties and approval of the court, or upon motion to the Court for good cause shown.

III. Settlement.

Plaintiff shall tender its settlement proposal to Defendants pursuant to Rule 16.1(c) on November 23, 2004.

IV. Trial by Magistrate Judge.

At this time the parties do not consent to trial by a Magistrate Judge.

V. Budget and Alternative Dispute Resolution.

Counsel for both parties have conferred with their respective clients concerning establishing a budget for the litigation and use of Alternative Dispute Resolution and shall file the certifications required pursuant to Local Rule 16.1(D)(3).

DATED: November 23, 2004

DJAYGEE, INC.

By their attorneys,

NATIONAL HOCKEY LEAGUE
NHL ENTERPRISES, INC., AND
NHL ENTERPRISES, L.P.

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